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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,491	08/18/2006	Hans-Jurgen Hannig	LSP-8	8304
20311	7590	12/12/2007	EXAMINER	
LUCAS & MERCANTI, LLP 475 PARK AVENUE SOUTH 15TH FLOOR NEW YORK, NY 10016				FONSECA, JESSIE T
ART UNIT		PAPER NUMBER		
		3633		
MAIL DATE		DELIVERY MODE		
		12/12/2007		
		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/562,491	HANNIG, HANS-JURGEN
	<b>Examiner</b>	<b>Art Unit</b>
	Jessie Fonseca	3633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 April 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 8-14 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 8-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 August 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Priority*

Receipt is acknowledged of papers filed under 35 U.S.C. 119 (a)-(d) based on an application filed in Germany on 7/2/03. Applicant has not complied with the requirements of 37 CFR 1.63(c), since the oath, declaration or application data sheet does not acknowledge the filing of any foreign application. A new oath, declaration or application data sheet is required in the body of which the present application should be identified by application number and filing date.

### *Drawings*

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 46 (figs. 1-6) and 116 (figs. 1, 5, & 6). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claim 10 is objected to because of the following informalities: The limitation "in the positively lockingly assembled condition" lacks proper antecedent basis. Furthermore, the language is confusing. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmberg (US 2003/0009971 A1).

With regards to claim 8: Palmber discloses a panel comprising a quadrangular panel portion (3A) of wood material (figs. 11 – 14; par. 0035), wherein mutually opposite edges of the panel (3A) have mutually complementary positively locking profiles (M, N) so that similar panels can be assembled, and wherein the surface of at least one of the positively locking profiles (N) has at least in region-wise manner raised portions (515) and recesses (O) (figs. 19 and 22), characterized in that the raised portions (515) is provided with an overdimension.

Palmber is silent with regards to wood panel being coated. However, it is well known in the art to have flooring panels include a protective coating, such as melamine, in order to protect the panel from everyday wear and tear.

It is noted that the overdimension is capable be ground away by friction during assembly of two panels and that the recesses are of a volume in which resulting abrasion particles from the raised portions can be received.

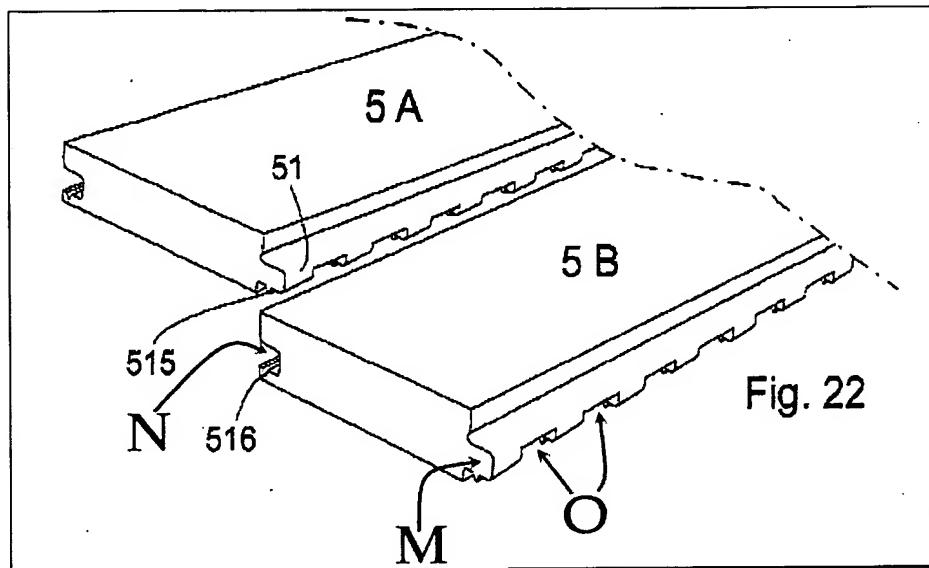


Fig. 22: Palmberg (US 2003/0009971 A1)

With regards to claim 9: Palmber further discloses the positively locking profile (N) is in the form of a groove profile with an undercut configuration and the oppositely disposed positively locking profile (M) is in the form of a tongue profile with an undercut configuration (fig. 19- 22).

With regards to claim 10: Palmber further discloses the raised portions (515) and recesses (O) are provided on the tongue profile (M) and the groove profile (N) has a smooth surface (figs. 21- 22). The smooth surface of the grooved

profile being contact with the raised portion in the positively lockingly assembled condition is related to an intended use and is given little patentable weight.

With regards to claim 11: Palmber further discloses the raised portions (515) and recesses (O) are arranged at a tongue (M) underside which is capable of facing towards a laying surface.

With regards to claim 12: The panel of Palmber is capable of having the stiffness of the positively locking profiles and the abrasion resistance of the raised portion match that of another panel, so as to cause the raised portions to be rubbed away because not cause elastic deformation of positively locking profiles.

With regards to claims 13-14: Palmber is silent with regards to a sealing and lubricating agent being provided in at least in the recesses. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the panel of Palmber to include a sealing and lubricating agent in the recess, so as to provide a panel structure that is easy to assemble, in which the sealing and lubricating agent would allow for increase securement of the panels to one another. The sealing and lubricating agent will obviously form a lubricating film during assembly.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following prior art is directed to floor panel structures:

Tychsen (US 2002/0046542 A1); Sjoberg et al. (US 2004/0182036 A1); Moriau et al. (US 6,006,486); Tychsen (US 6,209,278); and Hannig et al. (US 6,505,452); and Olofsson (US 6,601,359).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessie Fonseca whose telephone number is (571)272-7195. The examiner can normally be reached on M-F 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Canfield can be reached on (571)272-6840. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JF JF  
12/7/07

Robert Canfield  
Primary Examiner  
